

DRAFT
**A REGULAR MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS
WAS HELD APRIL 13, 2006 AT 11:00 A.M. IN WARRENTON, VIRGINIA**

P R E S E N T Mr. Raymond E. Graham, Chairman; Mr. Harry F. Atherton, Vice-Chairman;
Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling;
Mr. Paul S. McCulla, County Administrator; Mr. Kevin Burke, County
Attorney

A B S E N T None

AGENDA REVIEW

The Board of Supervisors reviewed the agenda. Talmage Reeves, Director of the Department of Economic Development, introduced Catherine Payne, new Tourism Coordinator.

**VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) PROJECT STATUS
UPDATE**

David Cubbage, representing the Virginia Department of Transportation, briefed the Board of Supervisors on the status of current and future projects.

**A WORK SESSION TO CONSIDER A ZONING ORDINANCE TEXT AMENDMENT
TO SECTION 13-406 TO GRANT EXEMPTIONS TO MINIMUM LOT WIDTH,
MINIMUM LOT FRONTAGE, MINIMUM SETBACK REQUIREMENTS, AND
CERTAIN RESIDENTIAL HEIGHT REQUIREMENTS, TO DELETE CERTAIN
VARIANCE AUTHORITY DELEGATED TO THE ZONING ADMINISTRATOR AND
THE BOARD OF ZONING APPEALS, AND TO AMEND SECTIONS 2-413, 2-505, AND
3-324 FOR CONSISTENCY WITH THESE CHANGES**

Todd Benson, Assistant Zoning Administrator, discussed Fauquier County Zoning Ordinance Section 13-406, which allows the Board of Zoning Appeals and the Zoning Administrator to grant certain variances based upon mistake. This amendment eliminates those classes of variance and substitutes an “exemption” authority with the Zoning Administrator.

**A CLOSED SESSION TO DISCUSS POTENTIAL ACQUISITION OF PROPERTY FOR
LANDFILL AND OTHER PUBLIC PURPOSES PURSUANT TO SECTION 2.2-
3711(A)(3) OF THE CODE OF VIRGINIA**

Mr. Graham moved to go into a closed meeting, pursuant to §2.2-3711(3) of the Code of Virginia, to discuss the acquisition and use of real property for landfill and other public purposes where the discussion in an open meeting would adversely affect the bargaining position or

negotiating strategy of the County. Mr. Atherton seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: None
Absent During Vote: None
Abstention: None

Upon reconvening from the closed meeting, Mr. Graham moved, without objection, to adopt the following certification.

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Fauquier County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act; and

WHEREAS, §2.2-3712.D of the Code of Virginia requires a certification by this Board of Supervisors that such closed meeting was conducted in conformity with Virginia Law; now, therefore, be it

RESOLVED this 13th day of April 2006, That the Fauquier County Board of Supervisors certifies that, to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Fauquier County Board of Supervisors.

A JOINT WORK SESSION WITH THE WARRENTON TOWN COUNCIL TO DISCUSS THE CENTEX DEVELOPMENT PROPOSAL AND THE TOWN'S REQUEST FOR THE COUNTY TO ENTER INTO AN AGREEMENT IN LIEU OF ANNEXATION

The Board of Supervisors held a joint work session with members of the Warrenton Town Council to discuss a proposed development by Centex on the Arrington Property. As part of that development, it is proposed that a portion of the Arrington property, which currently is located outside of the boundaries of the Town of Warrenton, be moved into Town corporate limits by means of an agreement in lieu of annexation between the Town and the County. Board and Council Members agreed in principal on four issues: 1) The Town will include a proffer of \$2 million, along with the existing proffer of \$1.2 million from Centex, and will consider the possibility of funding improvements to the County school bus garage and parking lot; 2) If it is determined there is excess sewer capacity upon completion of the proposed residential development, the Town will provide accessibility for utilities to be used for a future school on the site; 3) The Town agreed to keep rates for admission to the new Town Recreation Center at the same price for both Town and County residents, in exchange for the County waiving landfill

tipping fees for the Town; 4) Discussions regarding the possibility of the County providing any funding for the Visitors Center will be deferred until a date to be determined in the future.

A WORK SESSION TO DISCUSS THE CREATION OF AND FUNDING OF THE INDUSTRIAL, COMMERCIAL AND GOVERNMENTAL DIRECTED ASSISTANCE REVIEW TEAM (ICGDART)

Paul McCulla, County Administrator, reviewed the possible establishment of an Industrial Commercial and Governmental Directed Assistance Review Team (ICGDART). The purpose of the team is to provide start to finish services to business and government development applications with a proactive approach philosophy. The annual cost to staff the program would be approximately \$251,277, of which approximately one-half would be raised by increased development fees. The remaining \$126,000 would be funded out of the General Fund.

The meeting was reconvened in Regular Session at 6:30 P.M.

ADOPTION OF THE AGENDA

Mr. Atherton moved to adopt the agenda, with the following changes. Mr. Robison seconded, and the vote for the motion was unanimous as follows:

- Move consent agenda item “m”, Greenwich Woods: Preliminary Plat PPLT06-CR-013, Cedar Run District, to become regular agenda item #12.
- Move consent agenda item “p”, Creekmont Estates: Preliminary Plat PPLT05-CR-012, Cedar Run District, to become regular agenda item #13.
- Add new regular agenda item #14, A Resolution to Approve a Contract to Purchase Real Property of Stafford, LLC; renumber subsequent agenda items.
- Move public hearing item #17, A Resolution to Amend the FY 2006 Adopted Budget in the Amount of (\$384,902), to become new public hearing item #28.
- Move public hearing item #28, Rezoning #REZN05-LE-001, and Special Exceptions #SPEX05-LE-008, and #SPEX06-LE-021 – Estate of Robert H. Hodgson, Jean E. Cheatham, William W. Goulding, James F. Steffey And Gary W. Weaver, Owners, and Centex Homes, Applicant – Freedom Place, to become new public hearing item #17.

<i>Ayes:</i>	<i>Mr. Raymond E. Graham; Mr. Harry Atherton; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

CITIZENS' TIME

No one spoke.

PROCLAMATIONS AND RECOGNITIONS

- Mr. Atherton presented to Mrs. Jackie Bailey, A Proclamation to Honor Marshall H. Bailey, III.
- Mr. Graham presented to a representative of the Washington Regional Transplant Consortium, A Proclamation Designating April 2006 as Donate Life Month in Fauquier County.
- Mr. Graham presented to Theresa Allison, Steve Allison and Wayne Harne, A Proclamation to Recognize Jim Porter for Receiving the Disability Friendly Award.

CONSENT AGENDA

Mr. Atherton moved to adopt the following consent agenda items. Mr. Robison seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

Approval of the Minutes for the March 9, 2006 Regular Meeting, and the March 14, 2006, March 16, 2006, March 21, 2006, March 23, 2006, and March 30, 2006 Adjourned Meetings of the Fauquier County Board of Supervisors

A Resolution Directing the County Administrator to Schedule a Public Hearing to Consider an Ordinance Amending Article II Chapter 8 of the Code of Fauquier County to Revise Section 8-3 (Exemption for Elderly and Disabled) to Provide for Increased Financial Limitations for Qualification for Relief from Real Property Tax

RESOLUTION

A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR TO SCHEDULE A PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING ARTICLE II CHAPTER 8 OF THE CODE OF FAUQUIER COUNTY TO REVISE SECTION 8-3 (EXEMPTION FOR ELDERLY AND DISABLED) TO PROVIDE FOR INCREASED FINANCIAL LIMITATIONS FOR QUALIFICATION FOR RELIEF FROM REAL PROPERTY TAX

WHEREAS, the Fauquier County Board of Supervisors adopted an Ordinance establishing certain income and combined net worth limitations for application for real estate tax relief for the elderly and disabled; and

WHEREAS, Article II, Chapter 8 of the Code of Fauquier County regulates requirements for the program; and

WHEREAS, Title 58.1-3211 Code of Virginia establishes the maximum limitations included, and the County of Fauquier is among those localities that may, by Ordinance, establish higher income and financial worth limitations for the real estate exemption program for the elderly and disabled; and

WHEREAS, the local governing body may adopt a local Ordinance to accommodate the enabling legislation; and

WHEREAS, these changes are for the benefit of the citizens of Fauquier County; and

WHEREAS, a public hearing is required to be held prior to an amendment of the local Ordinance; now, therefore, be it

RESOLVED by the Board of Supervisors of Fauquier County this 13th day of April 2006, That the County Administrator be, and is hereby, directed to schedule a public hearing to receive citizen comment on the proposed Ordinance amending Article II, Chapter 8 of the Code of Fauquier County, to revise Section 8-3 to provide for an increase in the income and combined net worth limitations in the Relief for the Elderly and Disabled Program.

ARTICLE II. REAL ESTATE TAX EXEMPTION FOR ELDERLY PERSONS

Sec. 8-3. Eligibility for exemption.

(a) Any person sixty-five (65) years of age or older on December thirty-first of the year immediately preceding the taxable year, who owns, or partially owns, a dwelling as the sole dwelling of that person, or who is sixty-five (65) years or older and resides in a hospital, nursing home, convalescent home or other facility for physical or mental care for extended periods of time, provided such residence is not used or leased to others for consideration or who is determined to be permanently and totally disabled as defined herein, shall be eligible for, and may apply for, an exemption of real estate taxes on such dwelling and land, in an amount not to exceed one ~~(1) acre~~ (5) acres on which it is situated. Provided that the total combined income during the immediately preceding calendar year from all sources of the owners of the dwelling living therein and of the owners' relatives living in the dwelling does not exceed ~~fifty-two~~ fifty eight thousand dollars ~~(\$52,000)~~, (\$58,000) that the first ~~eight~~ ten thousand ~~five hundred~~ dollars ~~(\$8,500)~~ (\$10,000) of income of each relative, other than spouse, of the owner, or owners, who is living in the dwelling shall not be included in such total.

(b) Notwithstanding subsection (a) of this section, if the person has already qualified for an exemption or deferral under this article, and if the person can prove by clear and convincing evidence that after so qualifying the person's physical or mental health has deteriorated to the

point that the only alternative to permanently residing in a hospital, nursing home, convalescent home or other facility for physical or mental care is to have a relative move in and provide care for the person, and if relative does move in for that purpose, then none of the relative's income shall be counted towards the income limit.

(c) the net combined financial worth, as herein above defined, as of December thirty-first of the immediately preceding year, cannot exceed ~~one hundred ninety five~~ *four hundred forty* thousand dollars ~~(\$195,000)~~ *(\$440,000)*. (Ord. No. 87-6, 7-21-87; Ord. No. 89-2, 4-4-89; Ord No. 91-1, 2-5-91; Ord No. 92-3, 7-21-92; Ord No. 02-04, 5-20-02)

A Resolution to Authorize the Execution of a Grant Agreement for the Rappahannock Station Battlefield with the National Park Service

RESOLUTION

A RESOLUTION TO AUTHORIZE THE EXECUTION OF A GRANT AGREEMENT WITH THE NATIONAL PARK SERVICE FOR THE RAPPAHANNOCK STATION BATTLEFIELD

WHEREAS, the Piedmont Environmental Council, with the cooperation of Fauquier County, applied for grant funding from the National Park Service for the completion of the Rappahannock Station Battlefield Park; and

WHEREAS, Fauquier County was a grant sponsor; and

WHEREAS, the application has been approved and the County must now execute a grant agreement; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th of April 2006, That the County Administrator be, and hereby is, authorized to execute a grant agreement with the National Park Service for the Rappahannock Station Battlefield Park, subject to such revisions as may be deemed appropriate by the County Administrator and County Attorney.

A Resolution to Authorize the County Administrator to Accept the Conveyance of Right-of-Way within Oak Lake Subdivision

RESOLUTION

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO ACCEPT THE CONVEYANCE OF RIGHT OF WAY WITHIN OAK LAKE SUBDIVISION

WHEREAS, the Virginia Department of Transportation has agreed to accept the streets in Oak Lake Subdivision into the State System of Secondary Roads; and

WHEREAS, the streets are currently titled to the Homeowners Association and a predecessor in title to the developer; and

WHEREAS, in order to begin the street acceptance process, Fauquier County must accept the dedication of the streets; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of April 2006, That the County Administrator be, and is hereby, authorized to execute such documents as are necessary to begin the process of placing the streets within Oak Lake subdivision into the State System of Secondary Roads.

A Resolution Directing the County Administrator to Schedule a Public Hearing to Consider Relocating the Catlett Precinct Polling Place to H.M. Pearson Elementary School

RESOLUTION

A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR TO SCHEDULE A PUBLIC HEARING TO CONSIDER RELOCATING THE CATLETT PRECINCT POLLING PLACE TO H.M. PEARSON ELEMENTARY SCHOOL

WHEREAS, the Catlett voting precinct is currently located in the Catlett Fire Hall; and

WHEREAS, the Catlett Fire Hall is scheduled for demolition prior to the June 2006 primary election; and

WHEREAS, it is therefore necessary to relocate the Catlett voting precinct to H.M. Pearson Elementary School; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of April 2006, That the County Administrator be, and is hereby, directed to schedule a public hearing to consider an Ordinance to relocate the Catlett voting place to H.M. Pearson Elementary School.

A Resolution to Authorize the Execution of an Agreement to Provide for the Maintenance of the Sidewalk along Cedar Lee Condominiums by the Condominium Association

RESOLUTION

A RESOLUTION TO AUTHORIZE THE EXECUTION OF AN AGREEMENT TO PROVIDE FOR THE MAINTENANCE OF THE SIDEWALK ALONG CEDAR LEE CONDOMINIUMS BY THE CONDOMINIUM ASSOCIATION

WHEREAS, a sidewalk adjacent to the Cedar Lee Condominium project is located within the Virginia Department of Transportation (VDOT) right-of-way; and

WHEREAS, the sidewalk is not constructed to VDOT standards and, therefore, is not eligible for maintenance by VDOT; and

WHEREAS, VDOT will not accept the public street unless the County agrees to maintain the sidewalk; and

WHEREAS, the developer has agreed, as the controlling owner of the Condominium Association, to enter into an agreement with the County to provide for the continued maintenance of the sidewalk; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of April 2006, That the County Administrator be, and hereby is, authorized to execute an agreement for the maintenance of the sidewalks by the condominium owners association, subject to such changes as may be acceptable to the County Administrator and the County Attorney.

**Asphalt Trail Maintenance Agreement
Cedar Lee Condominium of Bealeton**

This Trail Maintenance Agreement ("Agreement") is made this _____ day of _____, 2006, by and between the Fauquier County Board of Supervisors (Fauquier County) and the Cedar Lee Condominium Association, Inc. (CLCA)

RECITALS

WHEREAS, Cedar Lee Condominium of Bealeton is a residential condominium development located in Fauquier County, Virginia at 6403 School House Road, specifically shown on the Site Plan dated 3/10/05 as prepared by Carson, Harris and Associates of Warrenton, Virginia; and further identified by Fauquier County PIN: 6899-32-0361; and

WHEREAS, CLCA is responsible for maintaining the common areas of the development; and

WHEREAS, Fauquier County, as a condition of site plan approval, required the construction of a 4' wide asphalt trail on the frontage of Torrie Station along Schoolhouse Road; and

WHEREAS, said asphalt trail falls within the right-of-way controlled by the Virginia Department of Transportation (VDOT) and, therefore, required a VDOT permit for its construction; and

WHEREAS, VDOT Permit # 746-9648 was issued effective November 5, 2004 allowing the construction of said asphalt trail and other improvements; and

WHEREAS, the construction of improvements allowed by VDOT Permit # 746-9648 have been completed; and

WHEREAS, a condition of VDOT Permit # 746-9648 stipulates the permit completion and bond release cannot be obtained unless an agreement to maintain said asphalt trail is in place; and

WHEREAS, VDOT will only issue permits for maintenance work within its right-of-way to governmental entities with the capacity to complete such work; and

WHEREAS, Fauquier County agrees to obtain the necessary permits from VDOT to assure appropriate continued maintenance of the referenced asphalt trail at Torrie Station; and

WHEREAS, the Fauquier County Board of Supervisors may engage a third party to actually perform maintenance work approved under a VDOT issued permit for which Fauquier County is the permittee; and

WHEREAS, CLCA agrees to be the County's agent in implementing future repairs and improvements to the Cedar Lee Condominium asphalt trail as allowed by VDOT permits issued to Fauquier County;

NOW THEREFORE, in consideration of the mutual obligations set forth herein, CLCA and Fauquier County do hereby agree as follows:

TERMS

1. Fauquier County and CLCA agree that Fauquier County has engaged CLCA to perform maintenance of the Torrie Station asphalt trail within the VDOT right-of-way.
2. CLCA acknowledges and agrees that it shall be responsible, at its own expense, to be funded by member assessments under the condominium instruments, for the maintenance of said asphalt trail including the cost of permitting and other associated fees.
3. Fauquier County acknowledges and agrees that it shall be responsible for obtaining all VDOT required permits associated with the maintenance of said asphalt trail.
4. Provisions of this agreement may be amended or waived if, but only if, such amendment or waiver is in writing and is signed by the parties hereto or their respective successors or assigns.
5. The parties hereto agree to do any and all further acts and to execute, acknowledge, seal, and deliver any and all other and further instruments and documents (not otherwise inconsistent herewith) in order to consummate the transactions contemplated hereby. The parties hereto shall cooperate with each other in every reasonable manner, other than pecuniarily, in order to fulfill each party's obligations under this agreement.
6. CLCA, its successors and assigns shall indemnify and hold Fauquier County and VDOT harmless from any loss, damage, injury, cost or other claim related to the maintenance of the asphalt trail, except those claims arising from the sole negligence of Fauquier County or VDOT. CLCA further agrees that it shall not seek

indemnification or contribution from Fauquier County to correct any damages arising from the maintenance of the asphalt trail.

7. If CLCA fails to perform its maintenance obligations as required by this agreement for a period of more than thirty (30) days after written notice is given to CLCA by Fauquier County, the County shall have the right to perform such maintenance and CLCA shall reimburse Fauquier County, as appropriate, upon demand for the cost of such maintenance.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first above written.

Cedar Lee Condominium Association

By: _____
Name: _____
Title: _____

Fauquier County Board of Supervisors

By: _____
Name: _____
Title: _____

A Resolution to Authorize the County Administrator to Establish a Cash Drawer/Petty Cash Account in the Amount of \$250.00 for Use by the Department of Environmental Services

RESOLUTION

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO ESTABLISH A CASH DRAWER/PETTY CASH ACCOUNT IN THE AMOUNT OF \$250.00 FOR USE BY THE DEPARTMENT OF ENVIRONMENTAL SERVICES

WHEREAS, the Department of Environmental Services requires authorization for a cash drawer/petty cash account at the Landfill to make change, and for small purchases; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of April 2006, That the County Administrator be, and is hereby, authorized to establish a cash drawer/petty cash

account in the amount of \$250.00 at the Corral Farm Landfill for use by the Department of Environmental Services.

A Resolution for Local Support of the Utilization of Industrial Access Railroad Track Funds

RESOLUTION

A RESOLUTION FOR LOCAL SUPPORT OF THE UTILIZATION OF INDUSTRIAL
ACCESS RAILROAD TRACK FUNDS

WHEREAS, Capitol Building Supply, Inc., has expressed its intent and desire to the Fauquier County Board of Supervisors to locate its industrial operation in the Marshall Magisterial District of Fauquier County; and

WHEREAS, Capitol Building Supply, Inc., and its operation, will require rail access and has reported to the Fauquier County Board of Supervisors its intent to apply for Industrial Access Railroad Track funds from the Commonwealth of Virginia's Department of Rail and Public Transportation in the amount of \$375,000; and

WHEREAS, Capitol Building Supply, Inc., has requested that the Fauquier County Board of Supervisors provide a resolution supporting its application for said funds, which are administered by the Virginia Department of Rail and Public Transportation; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of April 2006, That the Board of Supervisors does hereby endorse and support the application of Capitol Building Supply, Inc., for \$375,000 in Industrial Access Railroad Track funds; and, be it

RESOLVED FURTHER, That the Fauquier County Board of Supervisors has no intention of providing any funding assistance from the County of Fauquier toward the application by Capitol Building Supply, Inc., for funding from the Railroad Industrial Access Program; and, be it

RESOLVED FINALLY, That the Fauquier County Board of Supervisors does hereby recommend that the Commonwealth Transportation Board provide the requested financial assistance to Capitol Building Supply, Inc., for the purpose of locating its business in the Marshall Magisterial District, Fauquier County, Virginia.

A Resolution Initiating a Zoning Ordinance Text Amendment to Sections 6-302.16 and 5-202 to Permit as Home Occupations, Party Supply Sales and Rentals, and Farriers, and to Enact Certain Standards for Such Uses

RESOLUTION

A RESOLUTION INITIATING A ZONING ORDINANCE TEXT AMENDMENT TO
SECTIONS 6-302.16 AND 5-202 TO PERMIT AS HOME OCCUPATIONS, PARTY SUPPLY
SALES AND RENTALS AND FARRIERS AND TO PROVIDE CERTAIN STANDARDS
FOR SUCH USES

WHEREAS, it is appropriate to amend the Zoning Ordinance in order to expand permitted categories of home occupations; and

WHEREAS, Fauquier County residents desire to take up the businesses of providing certain party supply sales and rentals, or undertake the profession of farrier; and

WHEREAS, adoption of the attached amendments to Sections 6-302.16 and 5-202 to permit as home occupations, party supply sales and rentals and farriers, and to further provide certain standards for such uses supports good zoning practice, convenience, and the general welfare; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th of April, 2006, That amendment to Sections 6-302.16 and 5-202 to permit as home occupations party supply sales and rentals and farriers and to provide certain standards for such uses be, and are hereby, initiated and referred to the Planning Commission for public hearing and recommendation; and, be it

RESOLVED FURTHER, That the following represents the proposed changes for consideration:

6-302.16 Permitted Home Occupations

[1 through 15 – Same]

16. Party supply sales and rentals, by special permit.

17. Farriers, by right in all districts when the farrier travels off site for business, by right in Agriculture, Conservation, and Rural Residential Districts when the farrier works at his home, and by special permit in all other districts when the farrier works at home.

5-202 Standards for Home Occupations with Retail Sales and Services

[1 through 6 – Same]

7. Party supply sales shall not occur at the home.

A Resolution Authorizing the Chairman of the Board or the County Administrator to Sign Agreements for the Virginia Department of Transportation's Revenue Sharing Agreement

RESOLUTION

A RESOLUTION AUTHORIZING THE CHAIRMAN OF THE BOARD OR THE COUNTY ADMINISTRATOR TO EXECUTE AGREEMENTS FOR THE VIRGINIA DEPARTMENT OF TRANSPORTATION'S REVENUE SHARING AGREEMENT

WHEREAS, Fauquier County applied for Revenue Sharing money through the Virginia Department of Transportation (VDOT) for special projects; and

WHEREAS, VDOT has awarded a total of \$744,920 for the specified projects, and Fauquier County has matched that amount with the required \$744,920; and

WHEREAS, this money can be spent over several fiscal years; and

WHEREAS, these projects are designated by VDOT as Project: 0605-030-354, C501, UPC 00079990, and Project: 0605-030-250, C501, 00079006; and

WHEREAS, VDOT requests a Board of Supervisors resolution designating persons with the authority to sign documentation on behalf of Fauquier County; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of April 2006, That the Chairman of the Board or the County Administrator be, and are hereby, designated to execute all needed documentation on behalf of Fauquier County for these specified projects.

A Resolution to Award a Contract for Improvements to the Data Center

RESOLUTION

A RESOLUTION TO AWARD A CONTRACT FOR IMPROVEMENTS TO THE DATA CENTER

WHEREAS, the Facilities Planning and Implementation Committee has reviewed plans for improving the security and reliability of the data center; and

WHEREAS, the bids on the project were received on April 6, 2006; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of April 2006, That the County Administrator be, and is hereby, directed to enter into a contract with Advanced Technical Solutions in the amount of \$ 423,420 for improvements to the data center.

Colonial Downs Subdivision: Preliminary Plat PPLT06-LE-011, Lee District

No action was taken.

Shipe's Ridge: Preliminary Plat PPLT02-CR-012, Cedar Run District

No action was taken.

Stonehill Estates: Preliminary Plat PPLT06-CT-008, Center District

No action was taken.

APPOINTMENTS

By unanimous consent, the following appointments were approved:

- Disability Services Board – Business Community Representative: Stephen N. Cooper, appointed for a three-year term ending April 12, 2009.
- Architectural Review Board – Center District: Allison Juarez, appointed to fill an unexpired four-year term ending August 11, 2009.
- Human Rights Committee – School Board Representative: Raymond E. Bland, Sr., appointed for a term that ends December 31, 2007.
- Piedmont Workforce Network Board - Business Representatives: Sherrill A. Yingling, reappointed for term ending June 30, 2007.

By majority consent, the following appointment was approved:

- Fauquier County Water & Sanitation Authority – Lee District: Paul Blackmer, reappointed for a four-year term ending April 12, 2010.

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: Mr. William G. Downey
Absent During Vote: None
Abstention: None

A RESOLUTION TO AUTHORIZE FAUQUIER COUNTY TO MAINTAIN A PROPOSED TRAIL TO BE LOCATED IN THE VIRGINIA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY ALONG A PORTION OF BEAR WALLOW ROAD, ADJACENT TO THE SILVER CUP SUBDIVISION

Mr. Atherton moved to postpone a decision on this matter until the next regular meeting on May 11, 2006. Mr. Robison seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: None
Absent During Vote: None

Abstention: *None*

A ZONING ORDINANCE TEXT AMENDMENT TO SECTION 13-406 TO GRANT EXEMPTIONS TO MINIMUM LOT WIDTH, MINIMUM LOT FRONTAGE, MINIMUM SETBACK REQUIREMENTS, AND CERTAIN RESIDENTIAL HEIGHT REQUIREMENTS, TO DELETE CERTAIN VARIANCE AUTHORITY DELEGATED TO THE ZONING ADMINISTRATOR AND THE BOARD OF ZONING APPEALS, AND TO AMEND SECTIONS 2-413, 2-505, AND 3-324 FOR CONSISTENCY WITH THESE CHANGES

Mr. Graham moved to adopt the following Ordinance. Mr. Atherton seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

ORDINANCE

A ZONING ORDINANCE TEXT AMENDMENT TO SECTION 13-406 TO GRANT EXEMPTIONS TO MINIMUM LOT WIDTH, MINIMUM LOT FRONTAGE, MINIMUM SETBACK REQUIREMENTS, AND CERTAIN RESIDENTIAL HEIGHT REQUIREMENTS, TO DELETE CERTAIN VARIANCE AUTHORITY DELEGATED TO THE ZONING ADMINISTRATOR AND THE BOARD OF ZONING APPEALS, AND TO AMEND SECTIONS 2-413, AND 2-505 FOR CONSTANCY WITH THESE CHANGES

WHEREAS, on December 7, 2005, the Planning Commission initiated this text amendment; and

WHEREAS, on January 26, 2006, the Planning Commission held a public hearing on this issue and forwarded the proposed text amendment to the Board of Supervisors recommending its adoption; and

WHEREAS, on March 9, 2006, the Fauquier County Board of Supervisors held a public hearing on this amendment; and

WHEREAS, the adoption of this text amendment would be in the spirit of the Zoning Ordinance, consistent with public convenience, general welfare, and good zoning practices, consistent with the adopted Comprehensive Plan, and is in the best interest of the citizens of Fauquier County; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 13th day of April 2006, That Sections 13-406, 2-413, and 2-505 of the Fauquier County Zoning Ordinance be, and are hereby, amended as follows:

~~13-406 Variance of Minimum Yard Requirements Based on Error in Location of Buildings~~

~~1. Notwithstanding the other provisions of this Part, the Zoning Administrator and the BZA shall have the authority, as qualified below, to grant a variance to the minimum yard requirements in the case of any building existing or partially constructed which did not comply with such requirements applicable at the time such building was erected. Such a variance may be granted if and only if:~~

~~——— A. It is established that such noncompliance was through no fault of the applicant or was the result of an error in the location of the building subsequent to the issuance of the Building Permit, and~~

~~——— B. Such variance will not impair the purpose and intent of this Ordinance, and~~

~~——— C. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and~~

~~——— D. It will not create an unsafe condition with respect to other property and/or public streets, and~~

~~——— E. To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner.~~

~~2. Such a variance may be granted:~~

~~——— A. By the Zoning Administrator if the error does not exceed ten (10) percent of the measurement that is involved.~~

~~——— B. By the BZA if the error is greater than ten (10) percent of the measurement that is involved.~~

~~3. In granting such a variance under the provisions of this Section, the Zoning Administrator and the BZA may prescribe such conditions as deemed advisable to assure compliance with the intent of this Part.~~

~~4. Upon the granting of a variance for a particular building in accordance with the provisions of this Section, the same shall be deemed to be a lawful building.~~

~~5. The Zoning Administrator or the BZA shall have no power to vary the application of any of the limitations specified in this Ordinance.~~

13-406 Authority of Zoning Administrator to Grant Exemptions

1. The Zoning Administrator is authorized to grant a modification from any provision contained in the Zoning Ordinance with respect to ~~minimum lot width, minimum lot frontage, minimum setback requirements, and, in RA and RC Districts, height requirements for single family houses up to ten feet, provided extra living space is not added~~, physical requirements on a lot or parcel of land, including but not limited to size, height, location or features of or related to any building, structure, or improvements if the Zoning Administrator finds in writing that: (a) the strict application of the ordinance would produce undue hardship; (b) such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and (c) the authorization of the modification will not be of substantial detriment to adjacent property and the character of the zoning district will not be changed by the granting of the modification.

2. Prior to the granting of a modification, the Zoning Administrator shall give, or require the applicant to give, all adjoining property owners written notice of the request for modification, and an opportunity to respond to the request within 21 days of the date of the notice. The Zoning Administrator shall make a decision on the application for modification and issue a written decision, within 90 days of a request for a decision or determination on zoning matters within the scope of his authority unless the requester has agreed to a longer period, with a copy provided to the applicant and any adjoining landowner who responded in writing to the notice sent pursuant to this subsection.

3. The decision of the Zoning Administrator shall constitute a decision within the purview of Virginia Code § 15.2-2311, and may be appealed to the Board of Zoning Appeals.

2-413 Reduction in Front Yard Requirements

With respect to the one (1) or more lots lying between other lots (a) in the same block, and (b) within a distance of 600 feet on each side, and (c) there are existing buildings on the other lots with front yards less than the front yard required for the district, the ~~BZA~~ **Zoning Administrator** may grant a ~~variance exemption~~ under the ~~provisions~~ **procedures** of Part 4 of Article 13 authorizing the erection of buildings on such intervening lots with such front yard(s) as will, in the opinion of the ~~BZA~~ **Zoning Administrator** produce the most satisfactory overall design of the development and the most appropriate manner of use of the land that is involved; provided that no front yard shall be authorized hereunder that is less than the front yard of the nearest of such existing buildings.

2-505 Use Limitations on Corner Lots

1. On every corner lot within the triangle formed by the street lines of such lot and line drawn between points on such lines which are thirty (30) feet from the intersection thereof, there shall be no structure or planting of such nature and dimensions as to obstruct lateral vision other than a point, column or trunk or tree, (but not branches or foliage) which is not greater than one (1) foot in cross section or diameter. Such lateral vision shall be maintained between two (2) horizontal planes, one of which is three and one-half (3 1/2) feet, and the other ten (10) feet above the average elevation of the existing surface of either street at the center line thereof.

2. Since the purpose of this provision is to promote public safety by preserving reasonable sight distance for vehicular traffic at street intersections, the ~~BZA~~ **Zoning Administrator** may vary the specified requirements in accordance with the ~~provisions~~ **procedures** of Part 4 of Article 13 in those instances where structures or plantings between the two (2) horizontal planes do not in fact interfere with sight distance.

A RESOLUTION TO APPROVE THE RENAMING OF A PORTION OF VA ROUTE 674, GEORGETOWN ROAD, AND A PORTION OF VA ROUTE 628, BLANTYRE ROAD

Mr. Downey directed staff to notify residents in the immediately affected area of this proposed action in order to seek citizen feedback, and then moved to postpone a decision on the matter for up to sixty (60) days. Mr. Graham seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: None
Absent During Vote: None
Abstention: None

A RESOLUTION TO APPROVE A WAIVER ALLOWING A PRIVATE STREET THAT DOES NOT CONNECT DIRECTLY TO A STATE MAINTAINED ROAD, LEE DISTRICT

Mr. Downey moved to adopt the following resolution. Mr. Graham seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: None
Absent During Vote: None
Abstention: None

RESOLUTION

A RESOLUTION TO APPROVE A WAIVER ALLOWING A PRIVATE STREET THAT DOES NOT CONNECT DIRECTLY TO A STATE MAINTAINED ROAD, LEE DISTRICT

WHEREAS, Michael and Patricia Cackowski, owners, are seeking a waiver of Zoning Ordinance Section 7-302.1.B to allow a subdivision on a private street that does not connect directly to a State maintained street; and

WHEREAS, the applicants wish to create one (1) new family transfer lot from their 10.85-acre parcel identified as PIN 6971-04-5133-000, with access via an easement which connects to South Pines Road, a private street; and

WHEREAS, South Pines Road is an existing private street that connects directly to Opal Road (Route 687), a state maintained street; and

WHEREAS, on March 30, 2006, the Fauquier County Planning Commission recommended approval of the proposed Zoning Ordinance waiver; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of April 2006, That Zoning Ordinance Section 7-302.1.B be, and is hereby, waived to permit Michael and Patricia Cackowski to create one (1) family transfer division on the above-referenced parcel on a private street that does not connect directly to a State maintained street; and, be it

RESOLVED FURTHER, That this approval is contingent upon the Cackowski's agreement to contribute their proportionate share of the construction and design of South Pines Road to upgrade the existing private street section of South Pines Road to Virginia Department of Transportation (VDOT) standards, if and only if all the residents of South Pines Road from the VDOT roadway to the point of the applicant's property agree to their own proportionate share of the costs of said construction and design or otherwise mutually agree to fund the cost of the necessary improvements. Compliance with this condition is contingent on a written agreement signed by all the property owners on the private section of South Pines Road from the VDOT roadway to the Cackowski property acquiescing to their pro rata share of the construction and design costs and willingness to dedicate the necessary right-of-way or such other mutual agreement which provides for the necessary improvements and dedication of right-of-way. The applicants also agree to reserve necessary right-of-way necessary to construct South Pines Road to the Virginia Department of Transportation (VDOT) standards to be dedicated to public use at the time the aforementioned agreement is in place. Covenants or other recorded documents sufficient to provide for the enforcement of these obligations shall be recorded with the plat of subdivision. The applicant is not solely responsible for the construction and design of the private portion of South Pines Road, and shall not be responsible for negotiating an agreement with the other property owners as stated above.

GREENWICH WOODS: PRELIMINARY PLAT #PPLT06-CR-013, CEDAR RUN DISTRICT

Mr. Graham moved to table this matter until after public hearing that is scheduled later on the agenda. Mr. Robison seconded and, following discussion, the vote for the motion was unanimous, as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

CREEKMONT ESTATES: PRELIMINARY PLAT #PPLT05-CR-012, CEDAR RUN DISTRICT

Mr. Graham moved to table the matter until after the public hearing that is scheduled later on the agenda. Mr. Robison seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: None
Absent During Vote: None
Abstention: None

A RESOLUTION TO APPROVE A CONTRACT TO PURCHASE REAL PROPERTY OF STAFFORD, LLC

Mr. Stribling moved to adopt the following resolution. Mr. Downey seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: None
Absent During Vote: None
Abstention: None

RESOLUTION

A RESOLUTION TO APPROVE A CONTRACT TO PURCHASE REAL PROPERTY OF STAFFORD L.L.C.

WHEREAS, the Board of Supervisors has determined that the purchase of approximately 199 acres owned by Stafford L.L.C. is appropriate and in the public interest; and

WHEREAS, the owners of the property have contracted to sell the property for \$3,025,000; and

WHEREAS, the contract is subject to ratification by the Board of Supervisors; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of April 2006, That the County Administrator be, and is hereby, authorized to execute a contract to purchase the above-referenced property; and, be it

RESOLVED FURTHER, That the County Administrator and County Attorney be, and are hereby, authorized to execute such documents as are necessary to accept the conveyance of the property to the County, and that accounting code number 4-302-66605-8701 is to be utilized as the source of funds.

SUPERVISORS' TIME

- Mr. Robison reminded citizens of the annual roadside cleanup project being conducted by Citizens for Fauquier County; he also wished everyone a safe Easter holiday weekend.
- Mr. Downey stated that the April 14th Buckland Bypass planning meeting, between Prince William County and Fauquier County, is intrinsic to developing an agreement between these two jurisdictions on the philosophy of linking land use and transportation issues, and he requested support of his fellow Board members.
- Mr. Stribling announced that the Virginia Department of Transportation is celebrating its 100th anniversary, and that Fauquier County has enjoyed a good relationship with representatives of VDOT and he looks forward to working with VDOT on future projects.
- Mr. Graham advised that the Spiritual Care Support Ministry offers grief counseling and he encouraged anyone in need of that type of service to contact the organization for assistance.

ANNOUNCEMENTS

- Mr. McCulla announced that members of the Fauquier County Board of Supervisors will host an adjourned joint meeting with members of the Prince William County Board of Supervisors to discuss the Buckland/Gainesville Bypass at 11:00 AM on April 14, 2006, in the Warren Green Building 2nd Floor Conference Room, located at 10 Hotel Street, in Warrenton.
- Mr. McCulla announced that the next regular meeting of the Fauquier County Board of Supervisors is scheduled for May 11, 2006, at 6:30 PM in the Warren Green Building 1st Floor Meeting Room, located at 10 Hotel Street, in Warrenton.

REZONING #REZN05-LE-001, AND SPECIAL EXCEPTIONS #SPEX05-LE-008, AND #SPEX06-LE-021 – ESTATE OF ROBERT H. HODGSON, JEAN E. CHEATHAM, WILLIAM W. GOULDING, JAMES F. STEFFEY AND GARY W. WEAVER, OWNERS, AND CENTEX HOMES, APPLICANT – FREEDOM PLACE

A public hearing was held to consider an application to rezone approximately 219 acres from Rural Agricultural (RA) to Planned Residential Development (PRD) and Rural Residential-2 (RR-2), to permit a mixed use neo-traditional development that includes workforce housing. As part of the PRD rezoning request, the applicant is requesting modifications to the Zoning and Subdivision Ordinances pursuant to the Zoning Ordinance Section 4-112. In addition, the

applicant wishes to obtain Special Exception approval under Category 23, which would allow for the crossing of a floodplain. The applicant is further seeking a Category 26 Special Exception to reduce the non-common open space requirement for the balance of PIN #6889-89-6214-000 that is not being rezoned. The property, which is in the Bealeton Service District, is located in the northwest quadrant of the intersection of Marsh Road (Route 17) and Catlett Road (Route 28), Lee District, further identified as PINs #6889-89-6214-000, #6899-18-3742-000 and #6899-05-7716-000. Rick Carr, Director of Community Development, summarized the application and recommended postponing action and allowing the public hearing to remain open in order to allow the applicant an opportunity to submit additional refinements. John Foote, Esquire, speaking on behalf of the applicant, requested favorable consideration of the application. No one else spoke. Mr. Stribling moved to continue the public hearing and postpone action on the matter until the next regular meeting on May 11, 2006. Mr. Downey seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: None
Absent During Vote: None
Abstention: None

A PUBLIC HEARING TO CONSIDER AN ORDINANCE TO CLASSIFY REAL PROPERTY OWNED BY FAUQUIER HOUSING CORPORATION OR ITS WHOLLY OWNED SUBSIDIARIES AS EXEMPT FROM REAL PROPERTY TAXATION

A public hearing was held to consider an application from Fauquier Housing Corporation requesting that certain properties be classified as exempt from taxation. The fiscal impact of this action based upon the prior assessment and tax rate would have been approximately \$7,300 per year. The future impact depends upon the new tax rate. Kevin Burke, County Attorney, summarized the application. Max Tufts, Vice President of Fauquier Housing Corporation, requested favorable consideration of the application. Elizabeth Howard, President of Fauquier Habitat for Humanity, spoke in favor of the application. Ed Childress, Executive Director for Fauquier Family Shelter, spoke in favor of the application. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following Ordinance. Mr. Robison seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: None
Absent During Vote: None
Abstention: None

ORDINANCE

AN ORDINANCE EXEMPTING CERTAIN REAL PROPERTY OWNED BY FAUQUIER
HOUSING CORPORATION OR ITS WHOLLY OWNED SUBSIDIARIES FROM
TAXATION

WHEREAS, Fauquier County Code Section 8-53 authorizes the Board of Supervisors to designate property as exempt from taxation where such property is held by organizations that use the property exclusively for religious, charitable, patriotic, historical, benevolent, cultural or public park and playground purposes; and

WHEREAS, Virginia Code §58.1-3651 sets forth the process and procedure by which a locality may designate property as tax exempt; and

WHEREAS, Virginia Code §58.1-3651.B requires that, prior to the adoption of any Ordinance exempting property from local taxation, the Board of Supervisors shall hold a public hearing on the proposed application; and

WHEREAS, the Board of Supervisors, after due notice and public hearing, has considered the questions set forth in Virginia Code §58.1-3651.B and, upon consideration of those questions, has determined that the application for the proposed exemption from taxation should be granted; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 13th day of April 2006, That the parcels of real property hereinafter set out be declared as exempt from taxation for real property taxes of the County based upon Fauquier Housing Corporation or its wholly owned subsidiaries' exclusive use of said property for benevolent purposes and for so long as the subject properties remain under the sole ownership and control of Fauquier Housing Corporation:

Fauquier Housing Corporation, owner, PIN # 6983-59-5901

Countryside Associates LP, owner, PIN #s 6989-98-6307 and 6989-98-5301

Stuart Street Homes LP, PIN #s 6899-32-4403 and 6899-32-5690

Fauquier Housing Corporation, PIN #s 6989-97-6214, 6989-97-6199 and 6989-97-6128

; and, be it

ORDAINED FURTHER, That the continuance of this exemption shall be conditioned upon the continuous use of this property in accordance with the purpose for which this organization has been designated; and, be it

ORDAINED FINALLY, That this exemption shall be effective as of January 1, 2006.

**PROPOSED TEXT AMENDMENT TO THE ZONING AND SUBDIVISION
ORDINANCES AND THE DESIGN STANDARDS MANUAL – SECTION 13-301**

A public hearing was held to consider a Zoning Ordinance Text Amendment to Section 13-301 to allow the Board of Supervisors to hear certain appeals from decisions of the Zoning Administrator. Todd Benson, Assistant Zoning Administrator, summarized the proposed amendment. No one else spoke. The public hearing was closed. Mr. Atherton moved to adopt the following Ordinance. Mr. Stribling seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: None
Absent During Vote: None
Abstention: None

ORDINANCE

**A ZONING ORDINANCE TEXT AMENDMENT TO SECTION 13-301 TO ALLOW THE
BOARD OF SUPERVISORS TO HEAR CERTAIN APPEALS FROM DECISIONS OF THE
ZONING ADMINISTRATOR**

WHEREAS, on January 26, 2006, the Planning Commission initiated this text amendment; and

WHEREAS, on February 16, 2006, the Planning Commission held a public hearing on this issue and forwarded the proposed text amendment to the Board of Supervisors recommending its adoption; and

WHEREAS, on April 13, 2006, the Fauquier County Board of Supervisors held a public hearing on this amendment; and

WHEREAS, the adoption of this text amendment would be in the spirit of the Zoning Ordinance, consistent with public convenience, general welfare, and good zoning practices, consistent with the adopted Comprehensive Plan, and is in the best interest of the citizens of Fauquier County; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 13th day of April 2006, That Section 13-301 of the Fauquier County Zoning Ordinance be, and is hereby, amended as follows:

13-301 Initiation

Any person aggrieved or any officer, department, board, commission or authority of the County affected by any decision of the Zoning Administrator or by any order, requirement, decision or determination made by any other administrative officer in the administration or enforcement of this Ordinance may appeal such decision to the BZA, except **as provided below:**

- a.** A decision of the Zoning Administrator made pursuant to the provisions of Code Section 15.2-2292. Any zoning applicant or any other person who is aggrieved by a decision of the Zoning Administrator made pursuant to the provisions of Section 15.2-2292 may petition the governing body for the review of the decision of the Zoning Administrator. All such petitions for review shall be filed within thirty (30) days from the date of the decision for which review is sought, and such petitions shall specify the grounds upon which the petitioner is aggrieved.
- b.** A decision of the Zoning Administrator to extend or not to extend the termination date of a special permit or special exception issued by the Board of Supervisors. Any zoning applicant or any other person who is aggrieved by a decision of the Zoning Administrator to extend or not to extend the termination date of such a special permit or special exception may petition the governing body for the review of the decision of the Zoning Administrator. All such petitions for review shall be filed within thirty (30) days from the date of the decision for which review is sought, and such petitions shall specify the grounds upon which the petitioner is aggrieved.

PROPOSED TEXT AMENDMENTS TO THE ZONING AND SUBDIVISION ORDINANCES AND THE DESIGN STANDARDS MANUAL – SECTIONS 3-306, 15-300 AND 5-607

A public hearing was held to consider amendments to Sections 3-306, 15-300, and 5-607 of the Zoning Ordinance to add “Transitional Family Housing” as a new use, with definition and standards. Todd Benson, Assistant Zoning Administrator, summarized the proposed amendments. Pastor Tyrone Champion, Lee District, spoke in favor of the amendment. Lynne Cox, resident of Warren County, and employed by Midland Christian Academy, spoke in favor of the amendments. Elizabeth Howard, Center District, President of Fauquier Habitat for Humanity, spoke in favor of the amendments. Sophia Gill, Lee District, resident of Victory Transitional House, spoke in favor of the amendments. Ed Childress, Executive Director of Fauquier Family Shelter, spoke in favor of the amendment. Felicia Champion, Program Director for Victory Transitional Housing, spoke in favor of the amendments. No one else spoke. The public hearing was closed. Mr. Stribling moved to adopt the following Ordinance. Mr. Downey seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes:	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
Nays:	<i>None</i>
Absent During Vote:	<i>None</i>
Abstention:	<i>None</i>

ORDINANCE

A ZONING ORDINANCE TEXT AMENDMENT TO SECTIONS 3-306, 15-300, AND 5-607 TO ADD “TRANSITIONAL FAMILY HOUSING” AS A NEW USE, WITH DEFINITION AND STANDARDS

WHEREAS, on January 26, 2006, the Planning Commission initiated this text amendment; and

WHEREAS, on February 16, 2006, the Planning Commission held a public hearing on this issue and forwarded the proposed text amendment to the Board of Supervisors recommending its adoption; and

WHEREAS, on April 13, 2006, the Fauquier County Board of Supervisors held a public hearing on this amendment; and

WHEREAS, the adoption of this text amendment would be in the spirit of the Zoning Ordinance, consistent with public convenience, general welfare, and good zoning practices, consistent with the adopted Comprehensive Plan, and is in the best interest of the citizens of Fauquier County; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 13th day of April 2006, That Sections 3-306, 15-300, and 5-607 of the Fauquier County Zoning Ordinance be, and are hereby, amended as follows:

1. Add use to Use Table in Section 3-300:

3-306 INSTITUTIONAL USES (CATEGORY 6)																		
	Site Plan	RC	RA	RR2	V	R1	R2	R3	R4	TH	GA	MDP	C1	C2	C3	CV	I1	I2
Transitional Family Housing	X					SE												

2. Add Standards for Transitional Family Housing to Section 5-600:

5-607 Additional Standards for Transitional Family Housing

- 1. This use shall only be permitted: a) when located on the same site as a place of worship and as an accessory use to the main sanctuary; or b) when operated by a nonprofit organization that provides transitional housing services.**
- 2. Minimum site area shall be 20 acres.**
- 3. No more than 15 rooms and no more than 20 people shall be housed at the facility at any one time.**
- 4. Residents of the facility shall be primarily families, shall be limited to no more than a eighteen month stay, and shall be required to**

participate in a structured program or classes designed to facilitate independent living.

5. Facilities shall be located within service districts or must have approval for adequate septic and well requirements by the Health Department.
6. At least one parking space shall be provided per family, and such parking shall be screened from view from adjoining properties. Where possible, the parking spaces for the sanctuary shall be utilized to meet this requirement in order to avoid additional paving on the site.
7. Usable outdoor play space shall be provided for residents and screened from adjoining properties. The amount and location of the necessary open space shall be determined in conjunction with the permit approval.
8. The building containing transitional housing shall be set back a minimum of 100' from the side and rear property lines.

3. Add definition for Transitional Family Housing to Section 15-300:

Transitional Family Housing Facility

A building where families who may or may not have access to traditional or permanent housing but who are capable of living independently within a reasonable period of time, generally about 18 months, reside on a 24-hour-per day basis for at least 30 days and participate in appropriate program activities designed to facilitate independent living.

PROPOSED TEXT AMENDMENT TO THE ZONING AND SUBDIVISION ORDINANCES AND THE DESIGN STANDARDS MANUAL – SECTION 4-106

A public hearing was held to consider a text amendment to Zoning Ordinance Section 4-106 of the Planned Residential Development District (PRD) Regarding Use Limitations. Rick Carr, Director of Community Development, summarized the proposed amendment. No one else spoke. The public hearing was closed. Mr. Atherton moved to adopt the following Ordinance. Mr. Robison seconded and, following discussion, the vote for the motion was unanimous, as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>

Abstention: ***None***

ORDINANCE

A ZONING ORDINANCE TEXT AMENDMENT TO SECTIONS 4-104 AND 4-106 OF THE PLANNED RESIDENTIAL DEVELOPMENT DISTRICT (PRD) REGARDING USE LIMITATIONS

WHEREAS, on December 7, 2005, the Planning Commission initiated this text amendment; and

WHEREAS, on March 30, 2006, the Planning Commission held its final public hearing on the revisions, and unanimously forwarded the proposed text amendment to the Board of Supervisors recommending its adoption; and

WHEREAS, on April 13, 2006, the Fauquier County Board of Supervisors held a public hearing on this amendment; and

WHEREAS, the adoption of this text amendment would be in the spirit of the Zoning Ordinance, consistent with public convenience, general welfare, and good zoning practices, consistent with the adopted Comprehensive Plan, and is in the best interest of the citizens of Fauquier County; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 13th day of April 2006, That Sections 4-104 and 4-106 of the Fauquier County Zoning Ordinance be, and are hereby, amended, including the Urban Cottages definition reference (Section 15-300), as follows:

Article 4: Special and Overlay District Regulations

Part 1 4-100 Special Development-Planned Residential District

4-104 Secondary Uses Permitted

(u) Residential dwelling units co-located with Commercial/Office uses. When Section 4-106 (h) is utilized as part of a rezoning application, then the special exception requirements of Section 3-301.1.d do not apply.

4-106 Use Limitations

Unless otherwise specified in this article or modified pursuant to Section 4-112 below, all uses shall conform to the general and specific use limitations and performance standards of Article 6 (Accessory Uses, Accessory Service Uses and Home Occupations); Article 7 (off-Street Parking and Loading, Private Streets);

Article 8 (Signs); and Article 9 (Performance Standards) of this Ordinance. Specific use limitations relating to the PRD are:

- (a) Commercial uses within the PRD shall be designed to serve primarily the needs of the residents of the proposed community and nearby areas and such uses, including offices and retail, shall be located and designed to protect the primary residential character of the PRD.
- (b) A maximum of 100 square feet of commercial uses shall be permitted for each dwelling unit;
- (c) The maximum land area utilized for commercial shall not exceed 10 percent of the total land area of the PRD.
- (d) Secondary uses of a commercial and office nature shall be permitted only in a PRD which has a minimum of 50 residential dwelling units.
- (e) Service stations shall be located only in commercial areas where there are at least three other uses that are not related to the sale of automobiles, equipment or auto-related services. In addition, there shall be no vehicles or tool rental; no outside storage or display of goods offered for sale.
- (f) Urban cottages shall be accessory to a single family detached principal dwelling unit and subject to the following restrictions and conditions:
 - 1) Only one urban cottage shall be allowed per lot. Said lot shall have a minimum size of 7,500 square feet. Urban cottages shall be limited to 20% of the total dwellings in the PRD. The Concept Development Plan shall show residential bays where urban cottages may be permitted.
 - 2) The maximum gross floor area shall be 1,200 square feet.
 - 3) The maximum height shall be 30 feet.
 - 4) One additional parking space shall be required for an urban cottage.
 - 5) Urban cottages shall require a site plan submitted and approved pursuant to Section 12 of this Ordinance prior to construction. Lots that are to contain urban cottages shall be designated on the approved final plat.
- (g) Residential dwelling units, when located in the same building as commercial/office uses, shall be located on levels above street level at a density not to exceed one dwelling unit per 1,000 feet of gross floor area devoted to commercial/office uses.
- (h) In areas identified and intended as a hub component in the adopted Service District Plans with medium or higher residential densities, institutional/office, mixed use, town center, then C-1 (Commercial Neighborhood) use and use

limitation requirements may be substituted in lieu of 4-106 (b), (c), (d) and (g) with justification.

- 1) The Applicant shall be required as part of that justification for the Concept Development Plan (CDP) to demonstrate and explain how the:
 - a) commercial neighborhood location as proposed is consistent with the associated Service District's adopted land use plan, as well as recommended development scale requirements, guidelines and other associated provisions of the Comprehensive Plan for that specific site;
 - b) proposed commercial buildings planned in scale, bulk and mass shall be similar to and compatible with the adjoining planned or existing neighborhoods within the Service District; and the
 - c) ratio of commercial to residential uses is consistent with the Service District's land use plan for the specified location.
- 2) Future parcel additions rezoned to an approved district as described in 4-102 (Size and Location) and appropriately designated within the Comprehensive Plan, will be subject to this Section's provisions.

Part 3 15-300 Definitions

Urban Cottages: An accessory dwelling unit which is a secondary dwelling established in conjunction with, clearly, subordinate and secondary to, and located on the same lot or parcel as a single family detached unit. Such a unit shall be allowed only in the Planned Residential District and only in accordance with the provisions of Section ~~4-106(g)~~ 4-106(f).

SPECIAL EXCEPTIONS #SPEX06-LE-008 – ELMER RAY & KATHERINE O. ANDERSON, JR., MORGAN B. & KATIE L. OTT, III, HAROLD W. & REBECCA O. MULLINS, FRANK C. OTT, FRANK C. OTT, JR., OWNERS, AND DANIEL M. O'CONNELL, JR., ESQUIRE, APPLICANT – OTT PROPERTIES

A public hearing was held to consider an application to obtain a Category 26 Special Exception to allow for a reduction in the non-common open space requirements. The property is located on the east side of Morgansburg Road (Route 653), south of its intersection with Marsh Road (Route 17), Remington, Lee District, further identified as PIN #7808-02-6829-000. Melissa Dargis, Assistant Chief of Planning, summarized the application. Daniel O'Connell, Esquire, representing the applicants, requested favorable consideration of the application. Frank Ott, Lee District, requested favorable consideration of the application. No one else spoke. The public hearing was closed. Mr. Stribling moved to adopt the following resolution. Mr. Robison seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling

Nays: None

Absent During Vote: None

Abstention: None

RESOLUTION

A RESOLUTION TO APPROVE SPEX06-LE-008: A CATEGORY 26 SPECIAL EXCEPTION TO ALLOW FOR A DECREASE IN THE NON-COMMON OPEN SPACE REQUIREMENT

WHEREAS, Elmer Ray and Katherine O. Anderson, Jr., Morgan B. and Katie L. Ott, III, Harold W. and Rebecca O. Mullins, Frank C. Ott, Frank C. Ott, Jr., owners, and Daniel M. O'Connell, applicant, are seeking Special Exception approval for a reduction of non-common open space; and

WHEREAS, the applicant seeks to obtain this Special Exception to allow for the division of a parcel into two (2) lots; and

WHEREAS, on February 16, 2006, the Fauquier County Planning Commission held a public hearing on the proposed Special Exception and unanimously recommended approval of the application, subject to conditions; and

WHEREAS, on April 13, 2006, the Board of Supervisors conducted a public hearing and considered written and oral testimony; and

WHEREAS, the Board of Supervisors has determined that the application satisfies the standards of Zoning Ordinance Articles 5-006 and 5-2601; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of April 2006, That SPEX06-LE-008 be, and is hereby, approved, subject to the following conditions:

1. The Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or uses indicated on the Special Exception Plat titled "Division of Ott Property" dated April 30, 1992 and received in Community Development on October 27, 2005, approved with the application, as qualified by these development conditions.
3. The approval shall allow for the division of two parcels of approximately 25 acres and 29 acres.
4. The parcels shall be deed restricted from further subdivision and the required non-common open space easement shall be recorded.

5. A geotechnical report shall be required for any building requiring permit on the site due to the high to very high shrink swell potential.

SPECIAL EXCEPTION #SPEX06-CR-009 – GGFS/GREENWICH MEADOWS, LLC, OWNER, AND GGFS/GREENWICH MEADOWS, LLC, AND SYG ASSOCIATES, APPLICANT – CREEKMONT ESTATES

A public hearing was held to consider an application to obtain Special Exception approval under Category 20 in order to construct an above-ground water storage tank and pumping facility within the proposed Creekmont Estates and Greenwich Woods Subdivision. The property is located on the east side of Greenwich Road (Route 603), northeast of its intersection with Ringwood Road (Route 667), Cedar Run District, further identified as PINs #7924-26-7370-000, #7924-14-7596-000, and #7924-34-0017-000. Melissa Dargis, Assistant Chief of Planning, summarized the application. Merle Fallon, Esquire, representing the applicant, requested favorable consideration of the application. Chuck Medvitz, Scott District, spoke in favor of the application. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Mr. Downey seconded and, following discussion, the vote for the motion was unanimous, as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION TO APPROVE CREEKMONT ESTATES SPEX06-CR-009: A CATEGORY 20 SPECIAL EXCEPTION TO CONSTRUCT AN ABOVE GROUND WATER STORAGE TANK AND PUMPING FACILITY

WHEREAS, GGDS/Greenwich Meadows, LLC, owner and applicant, is seeking Special Exception approval for construction of an above ground water storage tank and pumping facility; and

WHEREAS, the applicant seeks to construct these facilities to provide water service to fifty-seven (57) lots within the proposed Creekmont Estates and Greenwich Woods Subdivisions; and

WHEREAS, this assemblage of parcels are identified as PINs #7924-26-7370-000, #7924-14-7596-000, and #7924-34-0017-000; and

WHEREAS, on February 16, 2006, the Fauquier County Planning Commission held a public hearing on the proposed Special Exception and recommended approval of the application, subject to conditions; and

WHEREAS, on April 13, 2006, the Board of Supervisors conducted a public hearing and considered written and oral testimony; and

WHEREAS, the Board of Supervisors has determined that the application satisfies the standards of Zoning Ordinance Articles 5-006 and 5-2001; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of April 2006, That SPEX06-CR-009 be, and is hereby, approved, subject to the following conditions:

1. The Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or uses indicated on the Special Exception Plat approved with the application, as qualified by these development conditions.
3. The development of the property shall be in general conformance with the Special Exception Plat entitled "Category 20 Special Exception Creekmont Estates" dated December 2, 2005 and received in the Planning Office on December 16, 2005.
4. A site plan shall be required, pursuant to Article 12 of the Zoning Ordinance.
5. The water system, wells and its infrastructure shall be dedicated to the Fauquier County Water and Sanitation Authority.
6. The applicant shall provide an access easement to the tank site and parking area to allow access by Fauquier County Water and Sewer Authority or other government agencies.
7. The applicant shall design and construct the entire water system, including the wells, water lines, pumps, hydro-pneumatic tank and ground storage tank, in accordance with Fauquier County Water and Sanitation Authority standards and requirements so that it can be taken over by the Authority.
8. The maximum water storage tank height shall be 26 feet plus railing.
9. The maximum storage capacity of the water storage tank shall be 107,000 gallons.
10. The tower storage facility shall be an "Aqua Store" silo, or equivalent, structure.
11. The tower color shall be determined by the Fauquier County Board of Supervisors.
12. The tower shall provide water for only the 57 total lots indicated on the Greenwich Woods and Creekmont Subdivision Plats.
13. The 20 foot by 20 foot building on the site shall be a pre-fabricated concrete structure not to exceed a height of 13 feet, as indicated in the applicant's submittal from December 16, 2005.

14. The pump station and associated infrastructure shall be located on the same lot as the water storage facility.
15. The applicant shall create a 20-foot buffer between Lot 27 and Well Lot #2 and between Lot 21 and 22 and Well Lot #1. The buffer shall contain an earthen berm planted with low lying shrubs to prevent the surface water from the lots uphill from running across the well lot.
16. The applicant shall demonstrate that it has met the requirements set forth in Article 7 of the Zoning Ordinance for adequate screening and landscaping requirements.
17. Only manual (non-automatic) drip irrigation systems shall be permitted. This language shall be included within the HOA documents and on the Final Plats for the Greenwich Woods and Creekmont Subdivisions.
18. There is to be no fill in the wetlands associated with the construction of the water tower and appurtenances (buildings, fuel tanks, etc.). This does not preclude installation of underground utility lines as long as all necessary state and federal permits are obtained.
19. The tower shall be located above the 10-year storm elevation of the creek.
20. The fuel storage tank shall be located above the 25-year storm elevation of the creek.

GREENWICH WOODS: PRELIMINARY PLAT PPLT06-CR-013, CEDAR RUN DISTRICT

Mr. Graham removed from the table consideration of an application for Preliminary Plat #PPLT06-CR-013, Greenwich Woods. Mr. Graham then moved to approve the application, Mr. Stribling seconded and the vote for the motion was unanimous, as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

CREEKMONT ESTATES: PRELIMINARY PLAT PPLT05-CR-012, CEDAR RUN DISTRICT

Mr. Graham removed from the table consideration of an application for Preliminary Plat #PPLT05-CR-012, Creekmont Estates. Mr. Graham then moved to approve the application, Mr. Stribling seconded and the vote for the motion was unanimous, as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>

Abstention: ***None***

SPECIAL EXCEPTION SPEX06-CT-010 – BLUEROCK CREEK, LLC, OWNER AND APPLICANT – STONEHILL ESTATES

A public hearing was held to consider an application to obtain Special Exception Approval under Category 23 in order to allow for a floodplain crossing using an existing road, and bridge requiring minimum modifications to allow for access for three (3) additional lots. The property is located on the northeast side of Routes 17/29 at 7259 James Madison Highway, Center District, further identified as PIN #6985-13-3513-000. Melissa Dargis, Assistant Chief of Planning, summarized the application. No one else spoke. The public hearing was closed. Mr. Robison moved to adopt the following resolution. Mr. Stribling seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: ***Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling***
Nays: ***None***
Absent During Vote: ***None***
Abstention: ***None***

RESOLUTION

**A RESOLUTION TO APPROVE SPEX06-CT-010, STONEHILL ESTATES:
A CATEGORY 23 SPECIAL EXCEPTION FOR A FLOODPLAIN CROSSING,
CENTER DISTRICT**

WHEREAS, Bluerock Creek, LLC, owner and applicant, is seeking Special Exception approval for a floodplain crossing; and

WHEREAS, the applicant seeks this approval to allow for modifications to an existing road and bridge within the 100-year floodplain to serve three (3) new lots in the Stonehill Estates Subdivision; and

WHEREAS, on January 26, 2006 and February 16, 2006, the Fauquier County Planning Commission held public hearings on the proposed Special Exception and recommended approval of the application, subject to conditions; and

WHEREAS, on April 13, 2006, the Board of Supervisors conducted a public hearing and considered written and oral testimony; and

WHEREAS, the Board of Supervisors has determined that the application satisfies the standards of Zoning Ordinance Articles 5-006 and 5-2300; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of April 2006, That SPEX06-CT-010 be, and is hereby, approved, subject to the following conditions:

1. This Special Exception is granted for and runs with the land indicated in this application, PIN # 6985-13-3513-000) and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or uses indicated on the Special Exception Plat approved with this application, as qualified by these development conditions.
3. Final design for Moffett Drive shall be submitted to the U.S. Army Corps of Engineers for a wetlands permit prior to Final Construction Plan approval.
4. Evidence of the U.S. Army Corps of Engineers permit and the conditional letter of the FEMA map revision shall be submitted to Community Development prior to approval of the Final Construction Plan.
5. “As built” of the Moffett Drive crossing of the floodplain shall be submitted to FEMA for final map revision after completion of this project.
6. Applicant shall post a bond for the construction of Moffett Drive and repair, if needed, of the bridge in accordance with the requirements of VDOT prior to the issuance of any land disturbing permit for the construction of Moffett Drive.
7. If the road location in the floodplain changes materially, as determined by Community Development, from the location shown on the plat dated December 2005, this Special Exception is no longer valid.
8. An initial set of construction plans for Moffett Drive shall be filed within one (1) year after the approval of this Special Exception. No time limit shall be imposed on this Special Exception, provided that such construction plans have been filed within one year of approval of this Special Exception.

SPECIAL EXCEPTION #SPEX06-LE-013 – DANIEL FRANCE AND HOWARD & JANE GROVE, OWNERS, AND FAUQUIER COUNTY DEPARTMENT OF ENVIRONMENTAL SERVICES, APPLICANT – MORRISVILLE CONVENIENCE SITE

A public hearing was held to consider an application to obtain Special Exception approval under Category 11 to allow for expansion of the existing site by approximately 9,743 square feet. The property is located on the northwest side of Shipps Store Road (Route 851), at its intersection with Marsh Road (Route 17), Lee District, further identified as PINs #7806-78-9041-000 and #7806-87-5770-000. Melissa Dargis, Assistant Chief of Planning, summarized the application. No one else spoke. The public hearing was closed. Mr. Stribling moved to adopt the following resolution. Mr. Graham seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: None

Absent During Vote: *None*
Abstention: *None*

RESOLUTION

A RESOLUTION TO APPROVE SPEX06-LE-013: A CATEGORY 11 SPECIAL EXCEPTION FOR THE MORRISVILLE CONVENIENCE SITE, LEE DISTRICT

WHEREAS, Daniel France and Howard and Jane Grove, owners, and Fauquier County Department of Environmental Services, applicant, are seeking Special Exception approval for continued operation and expansion of the Morrisville Convenience Site; and

WHEREAS, the applicant seeks Special Exception approval to allow it to expand and lease additional land for its facility on parcels identified as PINs #7806-78-9041-000 and #7806-87-5770-000; and

WHEREAS, on March 30, 2006, the Fauquier County Planning Commission held a public hearing on the proposed Special Exception and unanimously recommended approval of the application, subject to conditions; and

WHEREAS, on April 13, 2006, the Board of Supervisors conducted a public hearing and considered written and oral testimony; and

WHEREAS, the Board of Supervisors has determined that the application satisfies the standards of Zoning Ordinance Articles 5-006 and 5-1100; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of April 2006, That SPEX06-LE-013 be, and is hereby, approved, subject to the following conditions:

1. This Special Exception is granted for and runs with the land, PINs #7806-78-9041-000 and #7806-87-5770-000, indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or uses indicated on the Special Exception Plat titled "Morrisville Convenience Site", approved with this application, as qualified by these development conditions.
3. This site shall be used as a Department of Environmental Services Convenience Site for refuse collection and recycling services for county residents.
4. All open off-street parking and loading areas shall be no closer than 25 feet from any lot line and shall be effectively screened.

**SPECIAL EXCEPTION #SPEX06-SC-017 – FAUQUIER COUNTY, OWNER, AND
PHR&A, APPLICANT – NORTHERN FAUQUIER COUNTY SPORTS COMPLEX AND
COMMUNITY PARK**

A public hearing was held to consider an application to obtain Special Exception approval under Category 23 to allow for fill in the floodplain. The property is located at the northeast intersection of Whiting Road (Route 622), and John Marshall Highway (Route 55), Scott District, further identified as PIN #6070-40-3474-000. Rick Carr, Director of Community Development, summarized the application. No one else spoke. The public hearing was closed. Mr. Atherton moved to adopt the following resolution. Mr. Downey seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

RESOLUTION

**A RESOLUTION TO APPROVE SPEX06-SC-017: A CATEGORY 23 SPECIAL
EXCEPTION FOR THE NORTHERN FAUQUIER COUNTY SPORTS COMPLEX AND
COMMUNITY PARK FOR FILL IN THE FLOODPLAIN**

WHEREAS, Fauquier County, owner and PHR&A, applicant, is seeking Special Exception approval for fill in the floodplain; and

WHEREAS, the applicant seeks to obtain this Special Exception to allow for two road crossings, a pedestrian crossing, parking lot, ball fields, and associated grading; and

WHEREAS, on March 30, 2006, the Fauquier County Planning Commission held a public hearing on the proposed Special Exception and unanimously recommended approval of the application, subject to conditions; and

WHEREAS, on April 13, 2006, the Board of Supervisors conducted a public hearing and considered written and oral testimony; and

WHEREAS, the Board of Supervisors has determined that the application satisfies the standards of Zoning Ordinance Articles 4-407, 5-006 and 5-2301; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of April 2006, That SPEX06-SC-017 be, and is hereby, approved, subject to the following conditions:

1. This Special Exception is granted for and runs with the land, PIN #6070-40-3474-000, indicated in this application and is not transferable to other land.

2. This Special Exception is granted only for the purpose(s), structure(s) and/or uses indicated on the Special Exception Plat titled “Special Exception Plan, Category 23, Floodplain Uses, Northern Fauquier Sports Complex”, dated February 14, 2006, approved with this application, as qualified by these development conditions. This includes two road crossings, a pedestrian crossing, parking lot, ball fields and associated grading.
3. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch or any other drainage facilities or system which would increase flood heights and/or velocities, on adjacent properties.
4. Evidence that the letter of map revisions (LOMR) has been processed through FEMA within two years of the approval of this Special Exception.
5. The technical calculations for the Letter of Map Revision shall be submitted to the Community Development Department within six (6) months of approval of the Special Exception.
6. There is to be no storage of materials in the floodplain that cannot be readily moved or firmly anchored to prevent floatation or movement.
7. All structures (pavilions, pedestrian bridges, etc.) must be securely anchored so as to prevent movement or floatation.

SPECIAL EXCEPTIONS #SPEX06-SC-014 AND #SPEX06-SC-015, AND COMPREHENSIVE COMPLIANCE REVIEW #CCRV06-SC-003 – FAUQUIER COUNTY BOARD OF SUPERVISORS, OWNERS, AND FAUQUIER COUNTY SCHOOL BOARD, APPLICANTS – HIGH SCHOOL #3

A public hearing was held to consider an application to obtain a Special Exception under Category 5 to allow for a secondary school in the Rural Agricultural (RA) district, a Special Exception under Category 20 to allow for an above-ground sewage pumping station, and for a Comprehensive Plan Compliance Review to determine that the proposed high school at this location is substantially in accord with the Comprehensive Plan. The property is located on the east side of Rogues Road (Route 602), north of Eddington Drive, and across the street from Grapewood Estates, Cedar Run District, further identified as PIN #7914-79-2156-000. Rick Carr, Director of Community Development, summarized the applications. Jim Morris, Scott District, supported the school site, however expressed concern about road access. Mimi Moore, Marshall District, representing Citizens for Fauquier County, expressed concern for protection of the wetland areas and water quality, and encouraged the use of low impact development and “green building” practices. Jolly deGive, Marshall District, representing Piedmont Environmental Council, urged low impact development and incorporation of “green building” design features. No one else spoke. The public hearing was closed. Mr. Downey moved to adopt the following resolution. Mr. Atherton seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling

Nays: None

Absent During Vote: None

Abstention: None

RESOLUTION

A RESOLUTION TO APPROVE THE THIRD HIGH SCHOOL: SPEX06-SC-014, SPEX06-SC-015, AND CCRV06-SC-003

WHEREAS, Fauquier County School Board owner and applicant, is seeking Special Exception approval for a secondary school (the third high school), an above ground sewer pumping facility and a Comprehensive Plan Conformance Determination; and

WHEREAS, three discrete applications are proposed:

1. SPEX06-SC-014 - Category 5 Special Exception to allow for a secondary school in the Rural Agricultural zoning district;
2. SPEX06-SC-015 - Category 20 Special Exception requesting approval of an above ground sewer pumping facility to serve the high school;
3. CCRV06-SC-003 - A Comprehensive Plan Compliance Determination;

WHEREAS, on March 30, 2006, the Fauquier County Planning Commission held a public hearing on the proposed Special Exception and unanimously recommended approval of the Special Exception applications, subject to conditions and approval of the Comprehensive Plan Conformance Determination; and

WHEREAS, on April 13, 2006, the Board of Supervisors conducted a public hearing and considered written and oral testimony; and

WHEREAS, the Board of Supervisors concurs with the Planning Commission and it has determined that the application for the high school at this location is substantially in compliance with the County's Comprehensive Plan in accord with the Code of Virginia, Section 15.2-2232 ; and

WHEREAS, the Board of Supervisors has determined that the Special Exception applications satisfy the standards of Zoning Ordinance Articles 5-006, 5-501, 5-502, 5-504 and 5-2301; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of April 2006, That Comprehensive Plan Conformance Determination CCRV06-SC-003, Fauquier County School Board, owner and applicant, be and is hereby, approved and SPEX06-SC-014 and SPEX06-SC-015 be, and are hereby, approved, subject to the following conditions:

1. The Special Exceptions are granted for and run with the land indicated in these applications and are not transferable to other land.
2. The Special Exceptions are granted for, and are to be in substantial conformance with, the purpose(s), structure(s) and/or uses indicated on the Special Exception Plats “High School #3” dated February 7, 2006 and received in the Planning Office on February 13, 2006.
3. A Site Plan shall be required, pursuant to Article 12 of the Zoning Ordinance.
4. This Special Exception approval does not remove any Site Plan, Administrative Special Permit, Special Permit or Special Exception approval required for specific uses permitted in the RA zoning district, pursuant to Article 3 of the Zoning Ordinance.
5. This Special Exception approval does not remove any other approvals or permits that shall be required from the County, and other local, state or federal agencies.
6. Athletic and recreational lighting of the ball fields shall be consistent with the requirements set forth in the Fauquier County Zoning Ordinance. This shall include downward directed and shielded lighting.
7. The architecture, building materials and landscaping shall be consistent with the Special Exception Plat, and as described in the Statement of Justification.
8. The sewer piping and sewer pumping station and its related facilities, constructed through the New Baltimore Service District, shall be designed to accommodate only the wastewater needs of the high school with its maximum capacity of 1500 students and projected employment of 200. The extension of public sewer and water utilities and the connection/sizing restrictions are consistent with Chapter 6 of the Comprehensive Plan and the Board of Supervisors findings regarding 15.2-2232 of the Code of Virginia.
9. No additional connections to the constructed sewer service line for the high school shall be allowed within the New Baltimore Service District.
10. The applicant shall provide buffering such as, but not limited to, vegetation or another equally acceptable method on the perimeter boundary of all outdoor competition recreation areas that directly abut adjacent properties. The proposed method of buffering shall be depicted on the final site plan. The applicant shall also maintain, to the greatest extent possible, the existing vegetation in these perimeter areas.
11. The applicant shall provide emergency access to all athletic fields that are not directly accessible from parking areas. The emergency access location and design shall be reviewed and approved by the County Engineer and the Office of Emergency Services prior to approval of the final site plan.
12. The applicant shall satisfy and meet the Virginia Department of Transportation (VDOT) requirements for all roadway improvements for the approved use.

13. The applicant shall design and construct all off-site roadway improvements essential to the high school's opening as required by VDOT.
14. The roadwork shall consist of, but is not limited to: frontage improvements on Rogues Road, as well as separate infrastructure plans for intersection improvements and signalization at the Route 605 intersections with Riley Road and Rogues Road pursuant to VDOT requirements and specifications.
15. The length of necessary turn lanes will be determined by VDOT and County staff during the final site plan review.
16. Entrance and frontage requirements shall meet VDOT standards.
17. The Fauquier County Water and Sanitation Authority (WSA) requires that water system modeling shall be finalized to determine whether the New Baltimore Water System can provide adequate flow, or whether on-site fire storage or system upgrades may be needed to provide required fire flows prior to site plan approval.
18. Proof of provisions for adequate fire flow, as outlined by the Office of Emergency Services, shall be required with the first submission of the final site plans.
19. The WSA requires an analysis to be performed of its sewage collection system and the Brookside Pump Station and force main, to determine whether the additional flows generated by the school will require any upgrades to the sewer system.
20. The expense associated with the water and sewer system extensions and/or system upgrades made necessary by this project shall be borne by the School Board and shall be designed and constructed in accordance with the WSA's Utility Standards Manual (USM).
21. All applicable State and Federal permits shall be filed with the first submission of the final site plan. This includes the COE/DEQ wetlands permit.
22. Soils that are characterized as being hydric, having hydric inclusions or a high water table are generally not suited for dry ponds due to the fact that these ponds can not be kept dry year round. It is advisable to not utilize dry ponds for SWM/BMP in these areas.
23. The toe of the embankment and all drainage structures shall be 25 feet from the property line. This area is to have no trees or woody vegetation. Landscaping shall not be in this area.
24. All travel ways shall be a minimum of 20 feet wide unless approved otherwise by VDOT and the County.
25. Any offsite easements (grading, utility, etc.) shall have to be acquired prior to final site plan approval.
26. Light poles and retaining walls shall be restricted to no closer than 100 feet from the property lines, per Section 5-502 of the Zoning Ordinance.

A RESOLUTION TO AMEND THE FY 2006 ADOPTED BUDGET IN THE AMOUNT OF (\$384,902)

A public hearing was held to consider various budget related issues in the amount of \$559,822 in appropriations and \$944,724 in de-appropriation for FY 2006. Tony Hooper, Deputy County Administrator, summarized the amendments. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Mr. Robison seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

RESOLUTION

**A RESOLUTION TO AMEND THE FY 2006 ADOPTED BUDGET
IN THE AMOUNT OF (\$384,902)**

WHEREAS, the Fauquier County Board of Supervisors is charged by the Code of Virginia with the preparation of an annual budget for Fauquier County; and

WHEREAS, on March 31, 2005, the Board of Supervisors adopted the Fauquier County FY 2006 Budget; and

WHEREAS, during the course of the fiscal year certain events occur which necessitate changing the budget plan by increasing or decreasing the total budget; and

WHEREAS, at its March meeting the Finance Committee has recommended FY 2006 budget adjustments of (\$384,902) for the purposes set forth below; and

WHEREAS, on April 13, 2006, a public hearing was held; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 13th day of April 2006, That the FY 2006 Budget be, and is hereby, amended in the amount of (\$384,902) as follows:

Source	FROM Code	Amount	Department	TO Code	Amount
<u>FY 2006</u>					
State Funds	3-100-244100-0150	\$1,638	Sheriff's Office	4-100-031240-8201	\$1,638
Insurance	3-100-411000-0010	\$10,028	Sheriff's Office	4-100-031200-3311	\$10,028
Reimbursement					
State Funds	3-504-244740-0020	\$2,000	Airport	4-504-81722-8201	\$2,000
Culpeper County	3-302-192000-0020	\$369,556	Capital Fund , Public	4-302-94301-8205	\$369,556
Reimbursement			Safety Radio System		

Food Service Fund Balance	3-207-419000-0010	\$20,000	Food Service	4-207-065100-8101-900-000	\$20,000
Capital Fund	4-302-66600-8700	\$14,653	School Division	4-205-064110-8201-900-000	\$146,750
	4-302-66600-8704	\$5,503			
	4-302-66600-8714	\$13,839			
	4-302-66600-8723	\$39,000			
	4-302-66600-8724	\$3,745			
	4-302-66610-8708	\$3,504			
	4-302-66610-8709	\$30,104			
	4-302-66610-8716	\$21,529			
	4-302-66610-8717	\$752			
	4-302-66630-8721	\$14,121			
WFJCC Fund Balance	3-220-419000-0010	\$9,850	WFJCC	4-220-31410-3160	\$9,850
Capital Fund	4-302-66620-8429	(\$944,724)	School Division		(\$944,724)
De-Appropriation	4-302-66600-8703				
	4-302-66600-8718				
TOTAL		(\$384,902)			(\$384,902)

With no further business, the meeting was adjourned at 8:19 PM, to reconvene on April 14, 2006.

I hereby certify that this is a true and exact record of actions taken by the Fauquier County Board of Supervisors on April 13, 2006.

*Paul S. McCulla
Clerk to the Board of Supervisors*